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Date: January 9, 2007


Georgann S. Grunebach, Reg. No. 33,179IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Mike FICCO

Application No.: 09/978,452

Filed: October 17, 2001

For: METHOD, SYSTEM, AND COMPUTER
PROGRAM PRODUCT FOR AIRCRAFT
MULTIMEDIA DISTRIBUTION

Attorney Docket: PD-201129

Group At Unit: 2623

Examiner: Chowdhury, S.

Customer No.: 020991

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450**APPEAL BRIEF**

This Appeal Brief is submitted in support of the Notice of Appeal dated September 20, 2006.

I. REAL PARTY IN INTEREST

The real party in interest is THE DIRECTV GROUP, INC.

01/10/2007 SDEH001 00000027 500383 09978452
01 FC:1402 500.00 DA**II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related Appeal or Interference.

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III. STATUS OF CLAIMS

Claims 1 through 52 and 54 through 56 are pending in this Application and have been finally rejected. It is from the second final rejection of claims 1 through 52 and 54 through 56, dated June 20, 2006, that this Appeal is taken.

Claims 5, 8, 11 through 15, 18, 19, 21, 23 through 26, 31, 34, 37 through 41, 44, 45, 47, and 49 through 52 are original claims; claims 1 through 4, 6, 7, 9, 10, 16, 17, 20, 22, 27 through 30, 32, 33, 35, 36, 42, 43, 46, 48, and 54 through 56 have been previously presented; and claim 53 has been cancelled.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the issuance of either the April 5, 2006 Final Office Action or the June 20, 2006 Final Office Action. The Response submitted August 18, 2006, has not been entered, even though no claim was amended.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER**Independent Claim 1.**

Claim 1 is directed to a system for aircraft multimedia distribution (page 4, paragraph 16, line 3; Fig. 1, element 100), which system comprises a multimedia server within an aircraft (page 4, paragraph 16, line 4; Fig. 1, element 106), and a multimedia communications network within the aircraft coupled to the multimedia server (page 4, paragraph 16, lines 5 and 6; Fig. 1, element 108); wherein the multimedia server is configured to distribute, over the aircraft multimedia communications network, multimedia in-flight to the device of a passenger for purchasing (page 4, paragraph 16, lines 7 through 11). Claim 1 specifies that the multimedia is selected **pre-flight** (page 7, paragraph 25, lines 1

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through 4), via a **web server** in communications with the multimedia server (page 8, paragraph 29, lines 1 through 8; Fig. 1, element 102).

Independent Claim 27.

Claim 27 is directed to a method for aircraft multimedia distribution (page 4, paragraph 16, line 3; Fig. 1, element 100), which method comprises providing a multimedia server within an aircraft (page 4, paragraph 16, line 4; Fig. 1, element 106); coupling a multimedia communications network within the aircraft to the multimedia server (page 4, paragraph 16, lines 5 and 6; Fig. 1, element 108); and distributing, via the multimedia server, over the aircraft multimedia communications network, multimedia in-flight to the device of a passenger for purchasing (page 4, paragraph 16, lines 7 through 11). Claim 27 further specifies that the multimedia is selected **pre-flight** (page 7, paragraph 25, lines 1 through 4), via a **web server** in communication with the multimedia server (page 8, paragraph 29, lines 1 through 8; Fig. 1, element 102).

Independent Claim 54.

Claim 54 is directed to a system for aircraft multimedia distribution (page 4, paragraph 16, line 3; Fig. 1, element 100), which system comprises means (page 6, paragraph 21, lines 3 through 9; pages 10 through 13, paragraphs 36 through 42; Fig. 5, element 501) for providing a multimedia server within an aircraft (page 4, paragraph 16, line 4; Fig. 1, element 106); means (page 6, paragraph 22, lines 1 through 7) for coupling a multimedia communications network (page 4, paragraph 16, lines 5 and 6; Fig. 1, element 108) within the aircraft to the multimedia server; and means (page 6, paragraph 23, lines 1 through 10; Fig. 2, element 200); for distributing, via the multimedia server, over the

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aircraft multimedia communications network, multimedia in-flight to the device of a passenger for purchasing by the passenger (page 4, paragraph 16, lines 7 through 11). Claim 54 further specifies that the multimedia is selected **pre-flight** (page 7, paragraph 25, lines 1 through 4), via a **web server** in communication with the multimedia server (page 8, paragraph 29, lines 1 through 8; Fig. 1, element 102).

Independent Claim 55.

Independent claim 55 is directed to a method for receiving multimedia (page 4, paragraph 16, line 3), which method comprises accessing a multimedia server (page 4, paragraph 16, line 4; Fig. 1, element 106), over a communications network within an aircraft (page 4, paragraph 16, lines 5 and 6; Fig. 1, element 108); displaying a menu of options corresponding to a plurality of multimedia (page 8, paragraph 27, lines 3 through 6; Fig. 3, element 302), selecting, **pre-flight** one of the options for purchase of a corresponding one of the plurality of multimedia (page 7, paragraph 25, lines 1 through 4), via a **web server** coupled to the multimedia server (page 8, paragraph 29, lines 1 through 8; Fig. 1, element 102); and receiving the corresponding one of the plurality of multimedia over the communications network (page 6, paragraph 23, lines 3 through 5).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 through 5, 7, 8, 11, 13 through 15, 27 through 31, 33, 34, 37, 39 through 41, and 54 through 56 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al. and Booth et al.;

2. Claims 6 and 32 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Humpleman;

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3. Claims 9 and 35 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Schwab;
4. Claims 10 and 36 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Ahmad;
5. Claims 12 and 38 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Rosin et al.;
6. Claims 16 and 42 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and McCarten et al.;
7. Claims 17 and 43 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., McCarten et al., and Ahmad;
8. Claims 18 through 21 and 44 through 47 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Volpe et al.;
9. Claims 22 through 24 and 48 through 50 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., and Neel et al.; and
10. Claims 25, 26, 51 and 52 stand finally rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., Booth et al., Neel et al. and Dedrick.

VII. ARGUMENT

1. Claim Groupings.

For the convenience of the Honorable Board of Patent Appeals and Interferences (Board), Appellant will not separately argue the patentability of any of the dependent claims. Rather, Appellant will only argue the patentability of the independent claims. Accordingly, Appellant separately argues

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the patentability of claim 1, with claims 2 through 26 standing or falling together with claim 1 as a Group (I); Appellant separately argues the patentability of claim 27, with the patentability of dependent claims 28 through 52 standing or falling with independent claim 27 as a Group (II); Appellant separately argues the patentability of claim 54 (Group III); and Appellant separately argues the patentability of claim 55, the patentability of dependent claim 56 standing or falling with independent claim 55 as a Group (IV). Accordingly, the only relevant rejection is **Rejection 1** above, wherein independent claims 1, 27, 54 and 55 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al., and Booth et al. The propriety of the Examiner's **Rejections 2 through 10** need not be addressed.

2. Opening Statement.

Each of the independent claims on Appeal requires, in one form or another, pre-flight selection of the multimedia via a web server. Throughout prosecution Appellant strenuously argued that none of the applied references, considered singly or in combination, disclose the notion of selecting multimedia pre-flight via a web server. Throughout prosecution, including the Final Office Action dated June 20, 2006, the Examiner ignored this affirmative claim limitation. Finally, after the submission of the August 18, 2006 response,¹ the Examiner issued an Advisory Action dated September 6, 2006. In this latest exposition of the rejection, it appears that the Examiner agrees that none of the applied references discloses or suggests the notion of **PRE-FLIGHT SELECTION OF MULTIMEDIA VIA A WEB SERVER**. Instead, the Examiner adopts a rather unique interpretation of the claimed invention which, in effect, leaves out of the claimed invention the claim limitation

¹ The response of August 18, 2006 was actually a Request for Reconsideration, as none of the claims were amended.

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requiring **pre-flight selection of multimedia via a web server**. The Examiner's rationale is set forth below:

Examiner reads preflight selection also as inflight selection because the inflight selection has been uploaded ahead of time into the aircraft via a web server from the airport. As such, when the airplane is airborne, the user selects the inflight media which also corresponds to the preflight media that was uploaded between the period of landoff and takeoff of the airplane.

Appellant submits that the Examiner's rationale is legally erroneous on its face because it leaves out of each independent claim the requirement for **pre-flight selection of multimedia via a web server**.

3. **The Rejection of Claims 1 through 5, 7, 8, 11, 13 through 15, 27 through 31, 33, 34, 37, 39 through 41, and 54 through 56 under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al. and Booth et al. (Rejection 1 above).**

Independent Claim 1.

As previously noted, independent claim 1 is directed to a system for aircraft multimedia distribution requiring **pre-flight selection of multimedia via a web server**. On page 3 of the June 20, 2006 Final Office Action, the Examiner admitted that Galipeau et al. fail to disclose that the multimedia is for purchasing by the passenger and that the multimedia is selected pre-flight. The Examiner then asserts that Wright et al. disclose the concept of pre-flight selection, and that Booth et al. disclose the concept of purchasing multimedia.

In responding to the Examiner's rejection, Appellant argued that Galipeau et al. preclude the use of electronic devices during low elevation periods (page 10, lines 27 through 29). Thus, the pre-flight loading of the aircraft system with cached content does **not** mean that passengers select multimedia **pre-flight via a web server** as in the claimed inventions. Appellant would stress that

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Wright et al. neither disclose nor suggest the notion of enabling a passenger to make a pre-flight selection of multimedia, **regardless of whether it was uploaded into the aircraft pre-flight.**

As noted above, the Examiner **does not** dispute the fact that none of the applied references discloses or suggests the concept of **pre-flight selection of multimedia via a web server.** These factual voids imbue the Examiner's conclusion with an air of detachment from reality. Simply put, the Examiner's approach suffers from an allergy to facts.

Rather than confront the undisputed fact that none of the applied references discloses or suggests the concept of **pre-flight selection of multimedia from a web server,** the Examiner engages in **prior art revisionism.** As best understood from the September 6, 2006 Advisory Action, the "Examiner reads preflight selection also as inflight selection." Thus, the Examiner conveniently airbrushes out of independent claim 1 the limitation requiring **pre-flight selection of multimedia from a web server.** The Examiner's reasoning is that "... the inflight selection has been uploaded ahead of time into the aircraft via a web server from the airport. As such, when the airplane is airborne, the user selects the inflight media which also corresponds to the preflight media that was uploaded between the period of landoff and takeoff of the airplane."

Again, the above rationale completely ignores the affirmative claim requirement for **pre-flight selection of multimedia from a web server.** Indeed, the Examiner's exposition confirms that he cannot identify within any reference the notion of **pre-flight selection of multimedia via a web server,** as judicially required. *Smiths Industries Medical System v. Vital Signs Inc.*, 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999). Simply because it is possible to upload media prior to an aircraft becoming airborne does **not** mean that **in-flight selection** of such media is automatically transformed

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into pre-flight selection. The Examiner's attempt to ignore an express claim limitation is legally erroneous.

For completeness the Examiner does not even contend that the reference to Booth et al. discloses or suggests the notion of pre-flight selection of multimedia via a web server. Rather, the reference to Booth et al. is relied upon by the Examiner for the notion of purchasing media and, hence, does not cure the previously argued deficiencies of Galipeau et al. and Wright et al.

Based upon the foregoing it should be apparent that even if the applied references are combined as proposed by the Examiner, and Appellant does not agree that the requisite fact-based motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

There is No Motivation.

In order to establish the requisite realistic motivation, the Examiner must make clear and particular factual findings as to a specific understanding or specific technological principle and then, based upon such facts, explain why one having ordinary skill in the art would have been realistically motivated to modify particular prior art, in this case the particular system of Galipeau et al., to arrive at the claimed invention. *In re Lee*, 237 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002); *Ecolchem Inc. v. Southern California Edison, Co.*, 227 F.3d 1361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Kotzab*, 217 F.3d 1365, 55 USPQ 1313 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). In applying these legal tenets to the exigencies of this case, Appellant submits that the Examiner failed to establish that one having ordinary skill in the art would have been realistically motivated to combine the applied references to arrive at the claimed invention.

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As previously noted, none of the applied references discloses the notion of pre-flight selection of multimedia via a web server. This being the case, there is no apparent fact-based motivation to arrive at the claimed invention requiring pre-flight selection of multimedia via a web server.

As also previously noted, Galipeau et al. teach away from the claimed invention by typically prohibiting the use of on-board electronic devices when the aircraft is at an elevation of below 10,000 feet (column 10, lines 27 through 29). It logically follows that one having ordinary skill in the art would have reasonably interpreted Galipeau et al. as providing an airborne internet server 192 which is **only accessible during flight**, because pre-flight periods are used to prepare mass storage unit 194 subsequent to airborne access. This teaching away from the claimed invention undermines the Examiner's attempt to modify Galipeau et al. to arrive at the claimed invention. Further, this teaching away from the claimed invention by the primary reference to Galipeau et al. constitutes evidence of **nonobviousness**. *Ecolochem Inc. v. Southern California Edison, Co., supra*; *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986); *In re Marshall*, 578 F.2d 301, 198 USPQ 344 (CCPA 1978).

Conclusion.

It is undisputed that none of the applied references discloses the concept of in-flight selection of multimedia via a web server. The Examiner appears to admit as much. In order to arrive at that claim limitation, the Examiner asserts that there is no difference between pre-flight and in-flight. The Examiner's purposeful disregard of an affirmative claim limitation constitutes legal error.

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Independent Claim 27.

Appellant submits that for the arguments previously advanced in traversing the imposed rejection of claim 1, the Examiner's rejection of claim 27 under 35 U.S.C. § 103 is legally erroneous. Further, the Examiner failed to specifically identify wherein any of the applied references discloses the notion of distributing multimedia to a passenger in-flight, wherein the multimedia was selected pre-flight via a web server in communication with a multimedia server. The Examiner, therefore, failed to establish a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and want of the requisite realistic motivation.

Independent Claim 54.

Appellant submits that for reasons offered in traversing the imposed rejection of claim 1, the Examiner's rejection of claim 54 under 35 U.S.C. § 103 is not legally viable. Indeed, the Examiner failed to identify (because he cannot) wherein any of the applied references discloses or suggests a system with means for distributing multimedia in-flight to a passenger, wherein the multimedia was selected pre-flight via a web server in communication with the multimedia server. The Examiner, therefore, failed to establish a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and want of the requisite realistic motivation.

Independent Claim 55.

Appellant submits that the arguments advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 103 are applicable to and undermine the Examiner's rejection of claim 55 under 35 U.S.C. § 103. The Examiner failed to identify wherein any of the applied references discloses or

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suggests the manipulative step of selecting, pre-flight, a multimedia via a web server coupled to the multimedia server. The Examiner, therefore, failed to establish a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and want of the requisite realistic motivation.

Summary.

The undisputed fact is that none of the applied references discloses or suggests the concept of **pre-flight selection of multimedia via a web server**. The Examiner's rejections are hopelessly handcuffed to the drowning theory that pre-flight selection means in-flight selection. **Simply put, pre-flight selection does not mean in-flight selection.**

Appellant, therefore, submits that the Examiner's rejection of claims 1 through 5, 7, 8, 11, 13 through 15, 27 through 31, 33, 34, 37, 39 through 41, and 54 through 56 under 35 U.S.C. § 103 for obviousness predicated upon Galipeau et al. in view of Wright et al. and Booth et al. is not factually or legally viable.

Rejections 2 through 10 above.

As previously noted, Appellant does not separately argue the patentability of any of the dependent claims. Accordingly, none of the above **Rejections 2 through 10** need be addressed. For completeness, none of the references to Humpleman, Schwab, Rosin, McCarten et al., Ahmad, Volpe, Neel et al., or Dedrick cures the previously argued deficiencies in the attempted combination of Galipeau et al., in view of Wright et al. and Booth et al. Accordingly, **Rejections 2 through 10** above are not factually or legally viable.

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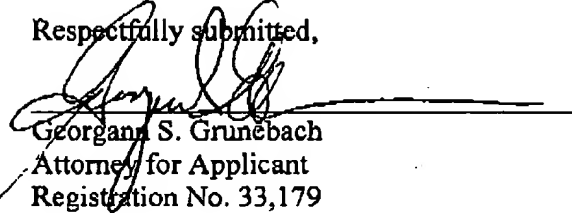
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CONCLUSION

Based upon the arguments submitted *supra*, Appellant submits that none of the Examiner's rejections under 35 U.S.C. § 103 is factually or legally viable. Appellant, therefore, solicits the Honorable Board to reverse each of the Examiner's rejections.

Respectfully submitted,


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*Patent***VIII. CLAIMS APPENDIX**

1. (Previously presented) A system for aircraft multimedia distribution, comprising:
a multimedia server provided within an aircraft of an airline; and
a multimedia communications network within said aircraft coupled to said multimedia server;
and
wherein said multimedia server is configured to distribute, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger for purchasing by said passenger, the multimedia being selected pre-flight via a web server in communication with the multimedia server.
2. (Previously presented) The system of claim 1, wherein said multimedia comprises one of streaming video, streaming audio, video for download, audio for download, software, games, digital literary works, data, sports statistics, trivia, encyclopedia information, served software applications or graphical images.
3. (Previously presented) The system of claim 1, wherein said device comprises one of a laptop computer, a palmtop computer, moving pictures experts group (MPEG) audio layer 3 (MP3) player, or a personal digital assistant (PDA).
4. (Previously presented) The system of claim 1, wherein said multimedia communications network comprises one of an Ethernet communications network, or an IEEE 1394 communications network.

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5. (Original) The system of claim 1, wherein said multimedia server is configured to distribute said multimedia in-flight to said device of said passenger via a network interface device coupled between said device of said passenger and said multimedia communications network.

6. (Previously presented) The system of claim 5, wherein said multimedia is encrypted or compressed, and
said network interface device comprises one of a custom device or plug-in device configured to decrypt or decompress said multimedia.

7. (Previously presented) The system of claim 5, wherein said network interface device is one of proprietary or specific to said airline.

8. (Original) The system of claim 1, wherein said multimedia server is configured to distribute said multimedia in-flight to said device of said passenger via software device stored on said device of said passenger.

9. (Previously presented) The system of claim 8, wherein said multimedia is encrypted or compressed, and
said software device comprises one of a custom software device or plug-in software device configured to decrypt or decompress said multimedia.

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10. (Previously presented) The system of claim 8, wherein said software device is specific to said airline.

11. (Original) The system of claim 1, wherein said multimedia server is configured to distribute simultaneously said multimedia in multiple streams to said device of said passenger.

12. (Original) The system of claim 11, wherein said multimedia server is configured to provide a menu on said device of said passenger for selection of one or more of said multiple streams of said multimedia.

13. (Original) The system of claim 1, further comprising:
an airline server coupled to said multimedia server via a server communications network and configured to transmit, over said server communications network, said multimedia to said multimedia server.

14. (Original) The system of claim 13, wherein said airline server is configured to communicate with said device of said passenger via a passenger communications network to provide pre-flight functions with respect to the in-flight multimedia distribution.

15. (Original) The system of claim 14, wherein said passenger communications network comprises the Internet.

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16. (Previously presented) The system of claim 14, wherein said pre-flight functions comprise one of selection of said multimedia for in-flight distribution, previewing of said multimedia for said in-flight distribution, or downloading of a software device to enable said in-flight distribution of said multimedia.

17. (Previously presented) The system of claim 16, wherein said software device is one of proprietary or specific to said airline.

18. (Original) The system of claim 13, wherein said airline server is configured to communicate with said device of said passenger via a passenger communications network to provide post-flight functions with respect to the in-flight multimedia distribution.

19. (Original) The system of claim 18, wherein said post-flight functions comprise organizing said multimedia for selection by said passenger.

20. (Previously presented) The system of claim 13, wherein said airline server is configured to provide copies of said multimedia to said passenger on one of CD ROM, DVD or video CD (VCD) based on a selection by said passenger.

21. (Original) The system of claim 13, wherein said airline server is configured to provide copies of said multimedia to said passenger via download to said device of said passenger based on a selection by said passenger.

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22. (Previously presented) The system of claim 1, wherein said multimedia server is configured to store passenger-specific information relating to one of a multimedia selection history for said passenger or demographic information for said passenger.

23. (Original) The system of claim 22, wherein said multimedia server is configured to distribute said multimedia based on said passenger-specific information.

24. (Original) The system of claim 22, wherein said multimedia server is configured to distribute passenger-specific advertisements included in said multimedia based on said passenger-specific information.

25. (Original) The system of claim 22, wherein said passenger-specific information is provided to said airline as a new marketable asset.

26. (Original) The system of claim 24, wherein said advertisements are provided to said airline as part of a co-marketing agreement.

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27. (Previously presented) A method for aircraft multimedia distribution, comprising:
providing a multimedia server within an aircraft of an airline; and
coupling a multimedia communications network within said aircraft to said multimedia server;
and
distributing, via said multimedia server, over said aircraft multimedia communications
network, multimedia in-flight to a device of a passenger for purchasing by said passenger, the
multimedia being selected pre-flight via a web server in communication with the multimedia server.

28. (Previously presented) The method of claim 27, wherein said multimedia comprises one
of streaming video, streaming audio, video for download, audio for download, software, games, digital
literary works, data, sports statistics, trivia, encyclopedia information, served software applications or
graphical images.

29. (Previously presented) The method of claim 27, wherein said device comprises one of a
laptop computer, a palmtop computer, moving pictures experts group (MPEG) audio layer 3 (MP3)
player, or a personal digital assistant (PDA).

30. (Previously presented) The method of claim 27, wherein said multimedia
communications network comprises one of an Ethernet communications network, or an IEEE 1394
communications network.

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31. (Original) The method of claim 27, further comprising:

distributing, via said multimedia server, said multimedia in-flight to said device of said passenger via a network interface device coupled between said device of said passenger and said multimedia communications network.

32. (Previously presented) The method of claim 31, further comprising:

encrypting or compressing said multimedia,
wherein said network interface device comprises one of a custom device or plug-in device configured to decrypt or decompress said multimedia.

33. (Previously presented) The method of claim 31, wherein said network interface device is one of proprietary or specific to said airline.

34. (Original) The method of claim 27, further comprising:

distributing, via said multimedia server, said multimedia in-flight to said device of said passenger via software device stored on said device of said passenger.

35. (Previously presented) The method of claim 34, further comprising:

encrypting or compressing said multimedia,
wherein said software device comprises one of a custom software device or plug-in software device configured to decrypt or decompress said multimedia.

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36. (Previously presented) The method of claim 34, wherein said software device is specific to said airline.

37. (Original) The method of claim 27, further comprising:
distributing simultaneously, via said multimedia server, said multimedia in multiple streams to said device of said passenger.

38. (Original) The method of claim 37, further comprising:
providing via said multimedia server, a menu on said device of said passenger for selection of one or more of said multiple streams of said multimedia.

39. (Original) The method of claim 27, further comprising:
transmitting, via an airline server coupled to said multimedia server via a server communications network, said multimedia to said multimedia server.

40. (Original) The method of claim 39, further comprising:
communicating, via said airline server, with said device of said passenger via a passenger communications network to provide pre-flight functions with respect to the in-flight multimedia distribution.

41. (Original) The method of claim 40, wherein said passenger communications network comprises the Internet.

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42. (Previously presented) The method of claim 40, wherein said pre-flight functions comprise one of selection of said multimedia for in-flight distribution, previewing of said multimedia for said in-flight distribution, or downloading of a software device to enable said in-flight distribution of said multimedia.

43. (Previously presented) The method of claim 42, wherein said software device is one of proprietary or specific to said airline.

44. (Original) The method of claim 39, further comprising:
communicating, via said airline server, with said device of said passenger via a passenger communications network to provide post-flight functions with respect to the in-flight multimedia distribution.

45. (Original) The method of claim 44, wherein said post-flight functions comprise organizing said multimedia for selection by said passenger.

46. (Previously presented) The method of claim 39, further comprising:
providing, via said airline server, copies of said multimedia to said passenger on one of CD ROM, DVD or video CD (VCD) based on a selection by said passenger.

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47. (Original) The method of claim 39, further comprising:

providing, via said airline server, copies of said multimedia to said passenger via download to said device of said passenger based on a selection by said passenger.

48. (Previously presented) The method of claim 27, further comprising:

storing, via said multimedia server, passenger-specific information relating to one of a multimedia selection history for said passenger or demographic information for said passenger.

49. (Original) The method of claim 48, further comprising:

distributing, via said multimedia server, said multimedia based on said passenger-specific information.

50. (Original) The method of claim 48, further comprising:

distributing, via said multimedia server, passenger-specific advertisements included in said multimedia based on said passenger-specific information.

51. (Original) The method of claim 48, further comprising:

providing said passenger-specific information is to said airline as a new marketable asset.

52. (Original) The method of claim 50, further comprising:

providing said advertisements to said airline as part of a co-marketing agreement.

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53. (Canceled)

54. (Previously presented) A system for aircraft multimedia distribution, comprising:
means for providing a multimedia server within an aircraft of an airline; and
means for coupling a multimedia communications network within said aircraft to said multimedia server; and
means for distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger for purchasing by said passenger, the multimedia being selected pre-flight via a web server in communication with the multimedia server.

55. (Previously presented) A method for receiving multimedia, comprising:
accessing a multimedia server over a communications network within an aircraft;
displaying a menu of options corresponding to a plurality of multimedia;
selecting, pre-flight, one of the options for purchase of a corresponding one of the plurality of multimedia via a web server coupled to the multimedia server; and
receiving the corresponding one of the plurality of multimedia over the communications network.

56. (Previously presented) The method of claim 55, wherein the web server is resident within a data network that is different from the communications network.

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IX. EVIDENCE APPENDIX

Not applicable.

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X. RELATED PROCEEDINGS APPENDIX

Not applicable.